

or gave no hearings to a number of district court nominees.

It was not long ago when the Senate was under Republican control that it took 943 days to confirm Judge Hilda Tagle to the United States District Court for the Southern District of Texas. She was first nominated in August 1995, but not confirmed until March 1998. When the final vote came, she was confirmed by unanimous consent and without a single negative vote, after having been stalled for almost three years. I recall the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing and was never acted upon, while his nomination languished for over two years. These are district court nominations that could have helped respond to increased filings in the trial courts if acted upon by the Senate over the last several years.

Yesterday's confirmation of Mr. Clark serves as another example of the Democrats' proven record of action and fairness on this President's judicial nominees. Even though Mr. Clark is a conservative Republican, as the Chairman of the Judiciary Committee, I voted to report him out of Committee and I voted to confirm him yesterday, based on his testimony before the Committee and his written word. Far from payback for Republican actions in the recent past, the Democratic-led Senate continues to take action notwithstanding those wrongs and to help solve a vacancy crisis created solely by the Republican obstruction and defeat of more than 50 of President Clinton's nominees.

Despite the right-wing and partisan din about blockades and obstructionism, Democrats are actually achieving almost twice as much as our Republican counterparts did to staff the Federal courts. But let me be clear. We would be even farther along if so many circuit court and district court nominees of the prior administration had not been purposely blocked and defeated, and if we received more timely reviews from the ABA, even a little cooperation from this unilateralist Administration and received the nominations of more moderate, mainstream judicial nominees.

#### CONFIRMATION OF JUDGE JAMES GARDNER

Mr. LEAHY. Mr. President, with last night's votes on two district court nominees, including Judge James Gardner to the United States District Court for the Eastern District of Pennsylvania, the Senate has confirmed its 79th and 80th new judges since the change in majority last summer. In less than 15 months, we have confirmed more judges than the Republican majority confirmed in its final 30 months in the majority. We have been more than twice as productive as they were and Republicans are nonetheless complaining that we have not worked three

or four times as fast as they did to fill vacancies that their inaction perpetuated. Similarly, in less than 15 months of Democratic control of the Judiciary Committee, we have confirmed more judicial nominees than Republicans did in the first 2 full years they controlled the Senate in 1995 and 1996, combined, and we have confirmed more judges than Republicans allowed to be confirmed in 1999 and 2000 combined. We have been more fair and more expeditious regarding judicial nominations than Republicans were during their prior 6½ years of control of the Senate.

Last night's vote is another example. The Senate has acted quickly on this nomination to the District Court in Pennsylvania. Judge Gardner was nominated at the end of April, received an ABA peer review in July, participated in a hearing in August, was reported out of the Senate Judiciary Committee in September, and was confirmed last night. The Judiciary Committee has held hearings for 11 district court nominees from Pennsylvania and the Senate has now confirmed all 11 of them in just 6 months.

In addition, a Third Circuit nominee, Judge Brooks Smith of Pennsylvania, was also confirmed, although not without controversy based on his record. With the confirmation of 12 judges from Pennsylvania, there is no State that has had more Federal judicial nominees confirmed by this Senate than Pennsylvania. The Senate Judiciary Committee and the Senate as a whole have done well by Pennsylvania. This is in sharp contrast to the way vacancies in Pennsylvania were left unfilled during Republican control of the Senate, particularly regarding nominees in the western half of the State.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPECTER, to secure confirmation of all of the judicial nominees from every part of his home State, there were seven nominees by President Clinton to Pennsylvania vacancies were never given a hearing or a vote.

A good example of the contrast between the way the Democrats and Republicans have treated judicial nominees is the case of Judge Legrome Davis, a well qualified and uncontroversial judicial nominee. He was first nominated to the Eastern District of Pennsylvania by President Clinton on July 30, 1998. The Republican-controlled Senate took no action on his nomination and it was returned to the President at the end of 1998. On January 26, 1999, President Clinton re-nominated Judge Davis for the same vacancy. The Senate again failed to hold a hearing for Judge Davis and his nomination was returned after 2 more years.

Under Republican leadership, Judge Davis' nomination languished before the Committee for 868 days without a hearing. Unfortunately, Judge Davis was subjected to the kind of inappropriate partisan rancor that befell so

many other nominees to the district courts in Pennsylvania during the Republican control of the Senate. This year, the Democratic-led Senate moved expeditiously to consider Judge Davis, and he was confirmed in just 84 days. The saga of Judge Davis recalls for us so many nominees from the period of January 1995 through July 10, 2001, who never received a hearing or a vote and who were the subject of secret, anonymous holds by Republicans for reasons that were never explained.

In contrast, the hearing we had earlier this year for Judge Conti was the very first hearing on a nominee to the Western District of Pennsylvania since 1994, despite President Clinton's qualified nominees. It is shocking to me that this was the first hearing on a nominee to that court in 8 full years. No nominee to the Western District of Pennsylvania received a hearing during the entire period that Republicans controlled the Senate in the Clinton administration. In fact, one of the many nominees to the Western District, Lynette Norton, waited for almost 1,000 days, and she was never given the courtesy of a hearing or a vote. Unfortunately, Ms. Norton died earlier this year, having never fulfilled her dream of serving on the Federal bench. With the confirmation of Judge Conti earlier this year, we confirmed the first nominee to the Western District of Pennsylvania since October 1994.

Despite this history of poor treatment of President Clinton's nominees, the Democratic-led Senate continues to move forward fairly and expeditiously. Democrats have reformed the process for considering judicial nominees. For example, we have ended the practice of secretive, anonymous holds that plagued the period of Republican control, when any Republican Senator could hold any nominee from his or her home State, his or her own circuit or any part of the country for any reason, or no reason, without any accountability. We have returned to the Democratic tradition of regularly holding hearings, every few weeks, rather than going for months without a single hearing. In fact, we have held 25 judicial nominations hearings in the past 15 months, and we plan to hold our 26th judicial nomination hearing this coming Monday. We have held a confirmation hearing for judicial nominees every month since the Judiciary Committee was reorganized in July 2001, including two hearings during the August recess in 2001. In contrast, during the 6½ years of Republican control, there were 30 months in which Republicans held no hearings on judicial nominees.

By already holding 25 hearings for 96 of this President's judicial nominees in just 15 months, we have held hearings for more circuit and district court nominees than in 20 of the last 22 years during the Reagan, first Bush, and Clinton administrations.

While some complain that a handful of circuit court nominees have not yet

had hearings, they fail to acknowledge that Democrats have held hearings for more of President Bush's circuit court nominees, 20, than in any of the 6½ years in which the Republicans controlled the Committee before the change in majority last summer. This is more nominees than received hearings in either of the first 2 years of the Clinton administration when the White House and the Senate were controlled by the same party. The fact that Democrats have treated this Republican President just as fairly as Democrats treated a President of their own party with regard to hearings for circuit court nominees is remarkable. Republicans have utterly failed to acknowledge this fairness. The myth of Democratic obstruction of judicial nominees fits the partisan Republican political strategy better than the truth.

The years of Republican inaction on a number of circuit court vacancies has made it possible for Democrats to have several "firsts" in addressing judicial vacancies. For example, we held the first hearing for a nominee to the Sixth Circuit in almost 5 years, that is more than one full presidential term, and confirmed her, even though three of President Clinton's nominees to the Sixth Circuit never received a hearing or a vote. One of those Clinton nominees waited more than 1,500 days and never received a hearing or a vote, up or down, by the Committee.

We held the first hearing on a Fifth Circuit nominee in 7 years, including the entire period of Republican control of the Senate, and confirmed her last year, while three of President Clinton's Fifth Circuit nominees never received hearings or votes on their nominations. We also held the first hearing on a Tenth Circuit nominee in 6 years, and we have confirmed two of President Bush's nominees to the Tenth Circuit, while two of President Clinton's nominees to that circuit never received hearings or votes.

With last night's confirmation of Judge Gardner, the 12th judicial nominee from Pennsylvania to be confirmed in just 15 months, in addition to the other 79 judicial nominees confirmed in this short period, the Democratic-led Senate has had a record-breaking year of progress and fairness in the judicial confirmation process.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 10, 2000 in Jacksonville, FL. Three white men, all 20 years old, assaulted a black man.

The victim was walking down the street when the three allegedly said, "There's one, let's get him" before running toward him. The assailants, who sources say met at a white supremacist rally, knocked the victim to the ground, then punched and kicked him.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. BINGAMAN. Mr. President, I rise today in strong support of the actions taken by the administration to create a viable international regime that stops trade in conflict diamonds, and I encourage the administration to increase their efforts to further expand this regime so it attains an effective and comprehensive level of coordination, certification, monitoring, and enforcement.

The Kimberley process has its origins in a decision by African countries to end trade in diamonds that fuel regional conflict but sustain trade in diamonds that create economic stability. This effort has been supported by a number of countries, non-governmental organizations, and the diamond industry. In March 2002, the principals concluded their last full session, and it is now the responsibility of the countries involved in this process to enact implementing legislation.

A number of Senators and I are currently engaged in discussions with the administration as to what this legislation would look like and what an appropriate vehicle for the legislation would be. I would like the legislation to be more expansive than the administration wants at this time, and I would like the legislation to directly address the problems related to certification and accountability mentioned in a recent GAO report. But that said, I believe the administration is negotiating in good faith, and that they want the same outcome in the end that I do. Thus I fully expect that we will find common ground for action in the next few days. I also fully expect that discussions will continue so we can find appropriate remedies on all the outstanding issues.

I traveled to Africa in August, and I know from my briefings there that trade in conflict diamonds is a despicable practice that must end. It is incredibly disturbing and sad that one of the most promising means to attain real economic growth and political stability in certain areas of Africa—the natural wealth represented by diamonds and the diamond industry—has instead become a deadly tool by which rebel movements can purchase weapons, maim and massacre civilians, destroy communities, overthrow governments, and perpetuate uncertainty. Of equal significance, there is increasing and incontrovertible evidence that

funds from the illicit trade in conflict diamonds are being used by Al-Qaeda to finance terrorism. The problem of conflict diamonds must be confronted, it must be confronted now, and it must be confronted in a way that ends both the brutal violence that is pervasive in Africa and the possibility that conflict diamonds may fund terrorist activities in countries around the world.

In my view, it is incumbent on the United States to play an active and prominent role in creating a framework that ends trade in conflict diamonds. In my view, it is incumbent upon Congress to work with the administration to ensure that this effort occurs. I believe the Kimberley process should move more rapidly toward its stated goals and the more robust goals outlined by the United Nations. But I also understand that multilateral action will be essential for this regime to work, and that multilateral agreements take time to arrange. I am willing to be patient, but only with the understanding that people are dying in Africa at this time and we must help them soon. More delay means more suffering, and we all have to be cognizant of that as we contemplate solutions.

Thus I think it is essential to state on the floor of the Senate today that I stand solidly behind the ongoing effort to end trade in conflict diamonds, and I encourage the administration to continue its effort to create a strong international regime that will engender political stability and economic growth in Africa. I am ready to work intensively with my colleagues and the administration to this end.

I yield the floor.

#### IN RECOGNITION OF THE 100TH ANNIVERSARY OF 4-H

Mr. DOMENICI. Mr. President, I rise today to celebrate the 100th anniversary of 4-H in America. For 100 years in our great Nation, and since 1911 in New Mexico, 4-H has molded generations of involved citizens and leaders, providing an enduring contribution to the development of America's youth.

This organization, rooted in hands on learning, grew from the interest of seven boys from Doña Ana County in each planting a pound of seed corn they acquired from the New Mexico College of Agriculture and Mechanic Arts, now New Mexico State University. This 1911 experiment was the first of a growing number of activities of this kind in rural communities around the territory that led to the establishment of precursor 4-H clubs in schools, led by teachers. Local merchants, bankers and farmers began the organization's long history of community support by donating prize money, goods and expertise to the young peoples' activities. The 1912 State fair saw the first ever competition between 4-H club members, who earned premiums for prize-winning corn, kafir corn, milo, peanuts, bread and sewing.

Today, New Mexico 4-H boasts more than 50,000 members, part of the 6.4